

REMARKS

In response to the Office Action mailed August 19, 2009, Applicants respectfully request reconsideration. Claims 1, 2, 4, 5, 8-13, 15-19, 21-26, 28-30, 32, 34-39, 41, 42, and 44-49 were previously pending in this application. By this amendment, claims 1 and 15 have been amended. No claims have been added or canceled. As a result, claims 1, 2, 4, 5, 8-13, 15-19, 21-26, 28-30, 32, 34-39, 41, 42, and 44-49 are pending for examination, with claims 1, 15 and 28 being independent. No new matter has been added.

Response to Examiner's Remarks

The Office Action remarks that "a normalization module, in light of applicant's specification, is interpreted as providing network status information" (pgs. 4, 9 and 13). Applicants respectfully note that the specification describes multiple features that a normalization module may include. While Applicants acknowledge that "providing network status information" is among these features, other features are also described in the specification. For example, the normalization module may convert standardized commands from the rules engine into media specific commands that meet the implementation requirements of specific communications media (page 14, line 24 – page 15, line 11 and page 18, lines 21-26). The Examiner is reminded that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from 'reading limitations of the specification into a claim'" (M.P.E.P. §2111). Accordingly, the normalized module recited in the claims should be interpreted to require only those features explicitly recited.

Rejections Under 35 U.S.C. §103

I. Claims 1-5, 8-14, 28-32, 34-40 and 45-47 are rejected under 35 U.S.C. 103(a) based on Melpignano et al., U.S. Patent Application 2006/0084417 (hereinafter Melpignano) in view of Shi et al., U.S. Patent No. 6,807,163 (hereinafter Shi) in further view of Nguyen, U.S. Patent Application 2003/0212784 (hereinafter Nguyen).

Independent Claim 1

As amended, claim 1 recites, *inter alia*:

the media specific module interface comprises a normalization module that *converts standardized communication requests it receives from the rules engine into media specific communications that meet media specific implementation requirements*, the normalization module further configured to direct the media specific communications to respective network interfaces.

This amendment is supported in the specification, for example, on page 14, line 24 – page 15, line 11 and page 18, lines 21-26.

This claim distinguishes over the cited references. The Office Action admits that Melpignano does not teach this feature but asserts that the feature is taught by Nguyen. Applicants respectfully disagree. Nguyen describes a system for tracking the status of network interface cards (NICs) connected to a network (Abstract; ¶ 18). A network fault monitoring module periodically queries the status of each NIC and makes the status available to other software on the computer (¶ 19, 32). In monitoring the status of each NIC, Nguyen's network fault monitoring module receives the responses from the NICs to its status queries. There is no mention of receiving standardized communication requests from a rules engine, let alone "convert[ing] *standardized communication requests... into media specific communications that meet media specific implementation requirements*" as recited in claim 1. Nguyen simply does not disclose or suggest "a normalization module that converts standardized communication requests it receives from the rules engine into media specific communications that meet media specific implementation requirements" as recited in claim 1.

Accordingly, claim 1 patentably distinguishes over the prior art of record, so that the rejection of claim 1 under 35 U.S.C. §103 should be withdrawn.

Claims 2, 4, 5, 8-13, 41, 42, and 45-48 depend from claim 1, incorporate all of its limits, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicants reserve the right to argue further for the patentability of these claims.

Independent Claim 28

Claim 28 recites, *inter alia*:

accumulating network interface information spanning multiple communication media associated with a set of networks and a set of network interfaces, each network interface for connecting the computing system to a network in the set of networks, ***the accumulating facilitated by a normalization module that standardizes communication between a set of media specific modules associated with multiple distinct types of communication media drivers and a rules engine.***

This claim distinguishes over the cited references. The Office Action admits that Melpignano does not teach this feature but asserts that the feature is taught by Nguyen. Nguyen describes a network fault monitoring module for tracking the status of network interface cards (NICs) connected to a network (Abstract). Specifically, Nguyen's network fault monitoring module queries the link status of the network interface and stores the response (either UP or DOWN) in a status database (§ 33). Nguyen's network fault monitoring module does not provide "communication between a set of media specific modules... ***and a rules engine,***" as recited in claim 1, and there is no mention in Nguyen that the network fault monitoring module "***standardizes*** [this] communication." Nguyen simply does not disclose or suggest "a normalization module that standardizes communication between a set of media specific modules associated with multiple distinct types of communication media drivers and a rules engine."

Accordingly, claim 15 patentably distinguishes over the prior art of record, so that the rejection of claim 15 under 35 U.S.C. §103 should be withdrawn.

Claims 16-19 and 21-26 depend from claim 15, incorporate all of its limits, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicants reserve the right to argue further for the patentability of these claims.

II. Claims 15-19, 21-27, 41 and 42 are rejected under 35 U.S.C. 103(a) based on Melpignano in view of Shi, in view of Nguyen, in further view of Babbar et al., U.S. Patent Application 2004/0116140 (hereinafter Babbar).

Independent Claim 15

As amended, claim 15 recites, *inter alia*:

accumulating network interface information... ***the accumulating facilitated by a normalization module that converts standardized commands it receives from a rules engine into media specific commands that meet media specific implementation requirements,*** and provides the media specific commands to a set of media specific modules.

This amendment is supported in the specification, for example, on page 14, line 24 – page 15, line 11 and page 18, lines 21-26.

This claim distinguishes over the cited references. The Office Action contends that Nguyen satisfies the highlighted limitation of claim 15 using the same rationale as the rejection of claim 1. It should be clear from the discussion of the references in connection with claim 1 that the prior art of record fails to satisfy at least the highlighted limitation of claim 15.

Accordingly, claim 15 patentably distinguishes over the prior art of record, so that the rejection of claim 15 under 35 U.S.C. §103 should be withdrawn.

Claims 16-19 and 21-26 depend from claim 15, incorporate all of its limits, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicants reserve the right to argue further for the patentability of these claims.

General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however,

necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance. A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed, or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M1103.70193US00 from which the undersigned is authorized to draw.

Dated: Oct 29, 2009

Respectfully submitted,

By 

Edmund J. Walsh

Registration No.: 32,950

WOLF, GREENFIELD & SACKS, P.C.

Federal Reserve Plaza

600 Atlantic Avenue

Boston, Massachusetts 02210-2206

617.646.8000